

Craving for a trustworthy policing system

Ensuring security of individuals and properties, in any country, is the responsibility of the institutions created to maintain the law and order. And, among them primary responsibility lies with the police force. But, in Bangladesh, how effective is the current state of policing? What about their professional standard? How trustworthy is the force to the general public? The BBC's Kamal Ahmed investigates to find out the answers.



Death by crossfire
Khandakar Md. Abul Khair is a retired officer of Bangladesh Biman and he has been living in Dhaka's one of the densely populated neighbourhoods of Mohammadpur for more than a decade. After three daughters, the Bhuiyan couple were blessed with a son, and named him Khandakar Iqbal Hussain, alias Masum. They had another son after Masum, but the elder son was always very special one to them.

The 8th July, 2005 was a black day for Mr Khair's family. Whimpering on and on, Mr. Bhuiyan described the incidents of that night. On that night, he with his family went to attend a programme in a nearby Community Centre close to Asad Gate. After the dinner, at around 10 pm Masum received a call on his mobile and went outside telling his parents that he will be back soon. As Masum did not return in next hour, his father started calling on his son's mobile and came out through the gate. But there was no trace of Masum. His mobile was also silent. After a long and anxious wait throughout the night, Mr Bhuiyan was watching the news next morning at 7 o'clock on a television channel. And that was the news he wished he never had to see. Seeing a pair of family sandals on the feet of a dead body of an unknown youth at the Dhaka Medical morgue they recognised their son.

The Detective Branch of the Dhaka Metropolitan Police gave its own version of the events leading up to the tragic death of Masum. Mizanur Rahman, the Commissioner of the Dhaka Metropolitan Police, told the BBC that his force were following up a specific case against Masum and when they tried to arrest him gunshots were fired at the police and he died in a crossfire.

Masum's father rejected the version of events given by the police and argued that his innocent son had been murdered and police issued a concocted story to the media.

Mr Bhuiyan asserted that there was not a single case or even a GD (general diary) against his son in any of the 28 police stations of Dhaka. In his words, "not only they cold-bloodedly shot and killed my child, they are now defaming him as a terrorist and pretending that it was an incident of crossfire".

None of the neighbours agree with the police statement. They knew Masum as a quiet and good natured boy. Kazi Mahmudul Haq, the princi-

pal of the Lalmatia Housing Society School and College, where Masum went to study, knew Masum personally. Mr Haq told me that Masum was not involved with politics or any other affairs of the neighbourhood. Masum was a meritorious student and got GPA-5 in the secondary examination. Shocked at the brutal killing of one of his favourite students, Principal Haque asked how police could do something so inappropriate. He said, "No human being should be killed in this way. Masum could have one day come out as a civil servant or a teacher, if not the President of the country."

Demanding justice, when the bereaved father went to file a case to the police station in Mohammadpur, his request was denied. The officer in-charge refused to accept his case

Experts say ensuring accountability at all levels within the force is crucial area which needs attention. They say that sometimes it seems that the members of the force are more eager to show their personal allegiance to people in power, instead of the law or the system. Many of these experts expressed their worries that the police force is about to become a trigger-happy force.

without giving any reason. Finally, Mr Bhuiyan went to the court and the court ordered an investigation into the events leading to his son's death.

Figures compiled by one of the country's leading human rights group 'Ain O Shalish Kendra' shows that while 57 people were killed by the police in so-called crossfire in the entire year of 2004, the death toll by crossfire in 2005 up to August has already passed 197. Despite, popular belief that the Rapid Action Battalion (RAB) is responsible for most of the crossfire incidents, the statistics show that the police are now miles ahead of them. (The ratio is more than 1:3).

Misappropriation of power
About two hundred and fifty km north of Dhaka a marshland called *Ghugudoho Beel* in the district of *Pabna* is best known for a successful uprising by the landless farmers. About thirty thousand landless people of *Ghugudoho Beel* through that uprising recovered *khush* [owned by the government] lands from *Jotdars* [land grabbers in rural areas] and the government subsequently leased those lands to them. They have all kinds of exchanges with the police force. In the village of Bishnupur, in Santhia Upazilla, I came across with a landless farmer. Md. Akkas recounted his memories, "In the past, we could not even go to

police. They were supporting the *Jotdars*. But, now we do not need to hide away."

Another farmer living in the same area, Abdul Wahab told me that in the past, police had been collaborating with the extremist called *Sharbaharas*. But, following mass outrage, the RAB started taking actions and the disturbance by so-called *Sharbahara* has stopped.

Bishnupur is not a unique place in the country. Allegations of connivance of police with criminals are rampant in the country regardless of rural or urban character of the areas. And the commonly heard complaints against the police force are abuse of power, extortion, harassment, and corruption.

Why police engage them-

selves in corrupt practices

Whenever, the media exposes incidents of crime or corruption involving police, high officials say it was an isolated event and does not necessarily reflect the state of the force as a whole. But, closer scrutiny of the operations of the police reveals that there are too many slippery slopes for every member of the police force to become corrupt or abusive of his identity. A number of police officers told me, on condition of anonymity, that they have too many duties bestowed upon them without any financial allocation. And that is the reason they resort to collect money from alternative sources. I met a constable working in the detective branch in one of the south-western districts, hereby referred as Ajmal Hossain (his real name concealed to protect his identity) has been working in the force for last 18 years. He told me that if they find an unidentified dead body then they have to pay from their own pocket to carry out its post-mortem and burial with required last rituals according to victim's faith. He says there is no other way to pay these expenses except seeking contributions from businessmen or the rich.

About 18 months ago, constable Hossain was transferred to his current posting from an eastern district and it cost him Tk 8000 to come to his

new location along with his four family members. But recently his department paid him Tk 3012 to settle his expenses' claim. The police headquarters told him that he was not entitled to claim fares for hiring a truck. His monthly salary is Tk 5672 and he told me that his debts are getting larger as he was trying to live an honest life.

I also met the Superintendent of Police (SP) of the same district who, also speaking anonymously, admitted that there was no financial allocation for transportation of a dead body to a morgue or carry out a post-mortem examination and making arrangement for a funeral.

When police picks up a person, the law says his wellbeing is the responsibility of the authority who took him in custody, but the allocation

for such detainees is only three taka per head per day. The SP told me that while someone is placed under police remand by a court the responsibility of arranging his/her meal lies with another agency. But, according to him, in his service life spanning two decades, he never saw that it was carried out from that allocation.

Regarding the infrastructure for policing, the SP said, none of the police stations in his district has enough vehicles. But, due to huge number of protocol duties his office has an outstanding fuel bill amounting to sixty lakh taka.

In the said district I saw two four-storied buildings in the police line which accommodate approximately four to five hundred members of the force. But none of the two barracks had a single ceiling fan though the temperature during last summer in the district reached 42 degree Celcius.

Why the pace of reform is so slow

Everyone agrees that to establish the rule of law, the country needs an efficient, professional and honest police force. Since the independence, we heard of several initiatives to bring reforms in the police force. A Police Commission was also established. But, the report of the commission was not even submitted to the parliament.

The state minister for home affairs, Lutfuzzaman Babar, however, says that for the first time his government has taken steps to modernise the police force. But, according to him, reform is a time consuming exercise. He said that though in the past, none of the police stations had any fund available to them, his government has recently started allocating money to police stations to meet emergency local requirements.

Mr Babar also said that, besides establishing an elite force -- Rapid Action Battalion (RAB) -- the government has recruited more than fifteen thousands new members for the force. He told BBC that new arms have been bought for all of the approximately one hundred and twenty-five thousand members of the force. He said that the government has also bought seventeen hundred new vehicles for the police and allocated about three hundred crore taka for building new accommodation for officers.

Experts, however, say ensuring accountability at all levels within the force is another crucial area which needs attention. They say that sometimes it seems that the members of the force are more eager to show their personal allegiance to people in power, instead of the law or the system. Many of these experts, citing increasing number of casualties claimed to be victims of crossfire and custodial deaths, expressed their worries that the police force is about to become a trigger-happy force.

Discounting such worries Mr Babar said that no such death under custody is acceptable to the government and a system of departmental investigation was in place in the country.

The system of departmental investigations, however, is unable to satisfy the families of victims like Masum. Also, none of the human rights activists think that such a system is fair where the accused, the prosecutor and the judge -- all belong to the same force. They argue, that if a transparent and acceptable procedure to deal with such complaints are not ensured police will remain beyond the reach of the law. And it will never be helpful for the establishment of the rule of law.

Bangladesh Sanglap 7: "What is the status of security in individual life?" was broadcast live on Thursday by BBC Bengali. The programme will be televised in Channel 1 television on Sunday at 8pm. The Daily Star is the BBC's print media partner for the programme.

LEST WE FORGET

Dr Mahanabrata Brahmachari

An extraordinary philosopher-theologian

PREM RANJAN DEV

DR Mahanabrata Brahmachari was born in Khalisakata village of Barishal on 25th December 1904. His earlier name was Bankim. He did his MA in philosophy and Sanskrit topping the list from the University of Calcutta and awarded gold medal. He was also awarded Ph D by the University of Chicago and D Litt from Vrindaban Theosophical University.

The name 'Dr Mahanabrata' is well-known as a philosopher in the Baishnab world. Not only his knowledge of theology and religion is considered indubitable, but his compassion for the suffering exploited masses is also esteemed as equally great. With the outbreak of the Second World War in 1939, despite requests in the contrary, he returned to his motherland relinquishing his post of the International Secretary, World Fellowship of Faiths, the position he held for six years in the USA and since then he did not rest. He had gone to the remotest of the villages and was busy propagating "MAHANAM" (the great name of God). He had delivered innumerable lectures, held discourses on the Gita, the Bhagabat, not only in our country but also before large congregations of scholars and intellectuals in Europe and the USA. From 1933 to 1937 he delivered 354 lectures in the western world on monastic life in India, Hindu homelife, God in human experience, womanhood in India, significance of prayer, cast system in Hindu society, Yoga philosophy, oriental mysticism and ideals of Hindu life etc.

Although I have no occasion to have talks with the great philosopher and saintly person, I have learnt about him through different books, magazines and newspapers. Dr Mahanabrata Brahmachari authored innumerable books. We mentioned here only a few, which are Baishnav-Vedanta, Gita-Dhyana, Chandi-Chinta, Uddhav-Sandesh, Gour-Katha, Upanishad-Bhabana and Shrimad Bhagabatam.

In his 'Haripurush Jagat Bandhu Mahaudharan' Dr Mahanabrata says, "In Christian theology they have God the father, God the son and holy Ghost; in Vedantic mysticism we have 'sat', 'chait' and 'ananda'. These three things are

In his eyes, there was no difference between a good Hindu, a good Muslim, a good Buddhist, a good Christian and a good Jew. Great Baishnab philosopher Jagatbandhu's spiritual follower Dr Mahanabrata says, "I am proud to be an humble follower of the new world teacher who has made a proclamation of his glorious mission thus 'I will establish a kingdom of love equally over the four continents and then only you shall call me Jagatbandhu' -- the friend of universe".



nothing but God, Man and Nature -- in Sanskrit 'Brahma' 'jiva' and 'jagad'. In the microcosm they are Soul, Mind and Body. In the soul they are 'sat', 'chit' and 'ananda' -- existence, consciousness and bliss. In the mind they are 'jagrata', 'swapna' and 'susupta', self-consciousness, sub-consciousness and super-consciousness.

Dr Mahanabrata in his 'Mahatma Gandhi and Universal Brotherhood' says -- "Science has reduced the death rate, but increased the slaughter in war. Why is this? It is because science gives knowledge but not the wisdom to use that knowledge." He explained Brahmachari Brahma means the biggest, widest, greatest. Divine love is the fundamental reality of the universe. The word

Jagat-Bandhu means the one which eternally binds all these beings together by the tie of the transcendental Divine love.

Dr Mahanabrata in his "Lord Jagatbandhu -- the Saviour" says, Jagatbandhu believed that the true religion of the world is one and only one but esoteric (outward) expressions of that one are many.

Mahanabrata says -- "To be non-violent is the first article of faith in the doctrine of Bhakti. This means that you must act in such a way that the needs of life are satisfied all around; work for the whole world. This is non-violence." Dr Mahanabrata believed that to live for others, for the universe, for all life, is the true life. Self-centred life is a vain delusion.

In his eyes, there was no difference between a good Hindu, a good Muslim, a good Buddhist, a good Christian and a good Jew. Great Baishnab philosopher Jagatbandhu's spiritual follower Dr Mahanabrata says, "I am proud to be an humble follower of the New World teacher who has made a proclamation, unheard of, of his glorious mission thus -- 'I will establish a kingdom of love equally over the four continents and then only you shall call me Jagatbandhu' -- the friend of universe".

After long many years of activities, the philosopher cum religious teacher Dr Mahanabrata Brahmachari left this mundane plane for his eternal abode -- the eternal Sree Angan, Mahanab Angan and the eternal Vrindaban. "May he Who is one without second; Who is beyond all distinctions of colours, caste and creed; Who knowing all our needs, meets them with His manifold powers; May he Who is in the beginning, in the middle and in the end; May He unite us in fellowship and understanding." -- RIGVEDA.

Western people knew Indian idealism only through Sankara and Ramanuja and the schools which developed after Sankara and Ramanuja were unknown to them. Dr Mahanabrata for the first time successfully attempted to bring to the notice of western people a very popular school of Vedanta Achinta Vedavedadab -- the philosophical basis of Vaisnava school of Bengal and Chaitanya Movement.

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Preventing money laundering

What should be the mechanism?

FORRUKH RAHMAN

MONEY laundering means illegal transactions made in order to project the proceeds of crime as legally obtained. Persons, who earn illegal money, try to hide their source of earning by conducting a number of transactions. Such transactions separate the source of earning from its proceeds. It becomes difficult for the law enforcing agencies to trace the source of earning.

The transactions normally take place in the following manners: (a) Dirty money being inserted into the financial system by putting that into bank account, purchasing property, making payment of loan etc; (2) Separating the money from its illegal source e.g. drug trafficking, smuggling etc. by conducting frequent transactions e.g. by transferring it to another bank account, selling property purchased with such money and putting it into bank account elsewhere etc; (3) Stop making transactions or transfers when the original source of earning is no more visible.

Money laundering can take place in different institutions. Banks, financial institutions, stock brokers, insurances, law firms, tax firms, accounting firms, audit services, real property transactions through property development companies, high value dealers etc. can be used as channels for converting black money into white.

It is an international problem. Many international treaties etc. were signed, guidelines issued and bodies formed by different international organisations, group of countries etc in order to prevent money laundering: For example Vienna Convention 1988 against Traffic of Narcotic Drug; Council of Europe Convention on Laundering 1990. Resolutions passed in ICPO-Interpol General Assembly; Guideline on Prevention of the Criminal Use of the Banking

System for Purpose of Money Laundering 1988 by Basle Committee; Financial Action Task Force (FATF) created by G-7 countries on 1989 etc.

Under the present law of Bangladesh namely Money Laundering Prevention Act 2002 ("MLPA"), money laundering is defined as (i) acquiring or earning (directly/indirectly) property (both movable/immovable) through illegal way, or (ii) illegal transfer, change of nature, concealment (assisting concealment) of property, acquired or earned through legal or illegal way [Section 2 of MLPA]. The acquiring or earning includes legally retaining, transferring, remitting, concealing, investing property acquired illegally [Section 2:2 of the Guideline Notes on Prevention of Money Laundering published by Bangladesh Bank]. Money laundering is a non-bailable criminal offence. The penalty can be up to seven years imprisonment and fine [Section 13 MLPA]. All courts of session are made money-laundering courts [Section 7 MLPA]. Such courts take cognisance of offences only on a written complaint made by Bangladesh Bank or a person authorised to do it. [Section 8 MLPA].

Bangladesh Bank is given the duties to conduct investigation or authorise someone to conduct investigation of any suspected money laundering, supervise/monitor Banks, Financial Institutions and others, seek reports from them, review reports, train the employees, lodge complaint and also take any other action necessary to prevent money laundering etc [Section 4 of MLPA]. The power of investigation vested in Bangladesh Bank is same as of a police officer [Section 5 of MLPA].

Banks, financial institutions and other agencies are given responsibility to: (1) Maintain true and complete information of identity of all customers, keep five years accounts of transaction of all the

clients and supply the same to Bangladesh Bank from time to time and Inform Bangladesh Bank any unusual transaction and suspicious transaction which may be linked with money laundering. Bangladesh Bank has defined the suspicious transaction in AMLD Circular No. 02 of 2002. The definition of money laundering under section 2 (L) will be applicable for the definition of suspicious transaction. The character of such transaction will be: (1) Transactions disproportionate to earning, (2) Transferring money to someone usually unrelated or unknown, (3) Mismatch between the deposit and earning of the

transfer of money by unauthorised channel namely "Hundi." The problem of the second part of the definition is that it imposes serious allegation of money laundering on innocent persons, in particular wage earners. They transfer their hard-earned legal money to their family living in Bangladesh by using some informal channels because the authorised channels are not found reliable. This 'wrong' may not be a crime at all as there is no intention to change black money into white.

Secondly, the power of investigation of suspected money laundering should not be imposed on Bangladesh Bank. As a central

Money laundering seriously harms the overall economy of a country. Dr JD Agarwal and Professor Aman Agarwal of India state that US\$ 500 billion to US\$ 1 trillion are laundered through banks worldwide each year. There are some factors, which nurture this crime. e.g culture of secrecy prevails in banking system by using code, numbered account etc; secrecy jurisdiction where there is no anti-money laundering; competition among banks giving opportunity to clients to open multiple account, international transfer of money etc. Money laundering exposes banks, financial institutions etc to legal risk, reputation risk, operational risk and fund risk. Therefore, a clearly balance law is required.

account holder, (4) Account holder's delay in submitting details, (5) Avoidance of direct contact, (6) Huge investment in security market disproportionate to earning. Failure to inform may result in monetary punishment or other punishments including cancellation of licence. [Section 19; also AMLD Circular No. 02 of 2002].

However, the present framework contains many flaws. First, the definition of money laundering is problematic. It includes earning/acquiring property through illegal way. This definition is so wide that offences like theft, robbery, decoy, cheating, forgery etc. well defined in the Penal Code, also qualify to be an act of money laundering. Further, it includes illegal transfer, change of nature, concealment of property, acquired or earned through legal or illegal way. This part was added to stop

bank of the country, it is not supposed to have expertise in criminal investigation.

Thirdly, as stated above, money laundering does not take place only in banks, financial institutions. It takes place in many other institutions. Bangladesh Bank, as a regulator of banks and financial institutions can surely take care of the suspected transaction taking place in banks or financial institutions. However, it is not the proper forum for regulating other business establishments as well because the number of such establishments is huge. However, a wrongdoer may not use the banking channel at all to insert hit black money into the system. He will simply use other remote and less regulated channels e.g. property dealer. He can easily purchase property in cash. This transaction is unlikely to be reported to Bangladesh Bank.

others can. This will surely work well as wide range of transactions would get covered.

Fourthly, money laundering is a financial crime. Therefore, in order to conduct investigation and taking responsibility of filing complaint properly, some training is required. The police force, in the absence of any training, cannot skilfully conduct such investigation although they are capable of conducting other criminal investigation. Further, who so ever conducts the investigation must work closely with the regulators and also with the institutions and business establishments vulnerable to money laundering crime.

Money laundering is a very delicate matter for many vulnerable business establishments. The persons, they may suspect for money laundering, are basically their clients. Such institutions

normally try to develop personal relationship with their clients; handle powerful and influential clients and often become advocate for them. Therefore, in order to handle the matters properly there is a need for an investigation and research unit specially created for handling such crime.

Such Unit can take the responsibility of handling all the investigation matters and also of filing complaint as reported to them by the regulators etc. Such Unit can also conduct training for the relevant personnel, frame guidelines, make recommendations, conduct research and give consultation service to the relevant business

establishments. As stated above, it is not desirable that institutions, which are already regulated by some other regulators, shall directly report to such Unit. There are some businesses, which have no regulator at all. e.g. high value dealers like jewelers, car dealers etc. They accept huge amount of cash against their sale. Such huge amount may have been obtained illegally. Such Unit can take care of such institutions by maintaining an official register and asking them to report any suspicious high value cash transaction. On the other hand, all regulators can direct such Unit to investigate any transaction they suspect as unusual and file complaint if necessary.

In order to maintain transparency and accountability a committee can be created composed of the governor of Bangladesh Bank,

the head of Anti-corruption department, representative from relevant ministries, concerned business associations and heads of all other regulators. Such committee shall be responsible for the business of the Unit to whom the Unit shall report its progress.

Similar system is already in place in the UK. They Money Laundering Regulation 2003 regulates money-laundering crimes in relevant business. The term "relevant business" means all financial service of accepting deposits, dealing in investment, issuing electronic money etc., insurance, raising money, work of state agency, casinos, insolvency practices, tax advice, accountancy services, audit services, legal services relating to financial and real property transaction, services relating to company or trust formation etc., dealing with goods of any description involving a cash payment of Euro 15,000 or more [Section 2 (2) of the Regulation 2003].

The persons doing "relevant business" are required to follow identification procedure, record-keeping procedure, internal reporting procedure and communication and also raise awareness and conduct training among its employees regarding money laundering. [Section 3]

Failure to do so may lead to prosecution, which may be tried summarily or on indictment. In deciding whether a person has committed an offence, the court considers whether he followed the relevant guideline issued by his supervisory authority. The Supervisory Authority means Bank of England, Financial Services Authority created under Financial Service and Markets Act 2000, Counsel of Lloyd's, office of Fair Trading, Pension Regulatory Authority, Professional Bodies, Gaming Board, Secretary of State, Treasury. It is a defence for that person to show that he took all reasonable steps and exercised all due diligence to avoid committing

the offence.

Further, high value dealers [means persons dealing in goods of any description by way of business whenever a transaction involves accepting a total cash payment of Euro 15,000 or more] and money service operators are required to register their name with the commissioners of customs and excise. The commissioner has the power to inspect, impose penalties, order justice of the peace for entry, have access to recorded information and institute proceedings. Supervisory authorities have the duty to disclose any suspected money laundering to a constable, commissioned by the commissioner.

Money laundering seriously harms the overall economy of a country. Dr JD Agarwal and Professor Aman Agarwal, of India state that US\$ 500 billion to US\$ 1 trillion are laundered through banks worldwide each year. There are some factors, which nurture this crime. e.g culture of secrecy prevails in banking system by using code, numbered account etc; secrecy jurisdiction where there is no anti-money laundering; competition among banks giving opportunity to clients to open multiple account, international transfer of money etc. The BCCI scandal is regarded as the world's worst banking scandal inflicting huge financial losses on thousands of people worldwide. BCCI financed terrorist activities, drug trafficking, deals, defrauded depositor etc. BCCI was the means of covert and corrupt activities of CIA.

Money laundering exposes banks, financial institutions etc to legal risk, reputation risk, operational risk and fund risk.

Therefore, a clearly balance law is required.

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